IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

OP.No. 5269 of 2003(B)

PETITIONER:

KALAVATHI, W/O. LATE R. MURUKA KOUNDER
AGED 60, KALA NIVAS, VARITHODE,
OLAVAKKODE, PALAKKAD DISTRICT.

BY ADV. SRI.VARGHESE C.KURIAKOSE
SRI.JACOB SEBASTIAN

RESPONDENTS:

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1. STATE OF KERALA, REP. BY SECRETARY TO
GOVERNMNET, DEPT. OF REVENUE,
GOVT. SECRETARIAT, TRIVANDRUM.

2. THE SPECIAL TAHSILDAR, L.A.(G)
NO.1, PALAKKAD.

3. THE PALAKKAD MUNICIPALITY,
REP. BY ITS SECRETARY, MUNICIPAL OFFICE,
PALAKKAD.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON
GOVERNMENT PLEADER SRI.L.G.SURESH BABU.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 19/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.PADMANABHAN NAIR, J.

O.P.No. 5269 of 2003

Dated this the 19th July, 2007.

J U D G M E N T

The petitioner is the owner and is in possession of . 0097 hectares of land comprised in Survey No.739/Pt, in Olavakkode Village, Palakkad District. Notification under Section 4(1) of the Land Acquisition Act was issued in respect of that property. Challenging the notification, this writ petition is filed.

2. In the writ petition, it was admitted that adjoining property was also acquired under the same notification, and challenging the very same notification, the owner of the adjoining property has filed O.P.No.22990/1999. The learned Standing Counsel, Sri.Chitambaresh, appearing the Municipality, has submitted that O.P.No.22990/1999 was disposed of by this Court, on 29.2.2005, directing the Land Acquisition Officer to pass an award. It is submitted that an award was passed and the petitioner received the compensation under protest, and filed a petition to refer the matter to the Sub Court. It is submitted that reference was made as L.A.R.No.13/2006 and is pending before the Sub Court.

3. Since award was passed long back, I do not think, it is just and proper to consider the contentions raised on its merits, especially, in view of the fact that this Court found the notification issued for acquisition was a valid one. So, the Original Petition is only to be dismissed.

In the result, the Original Petition is dismissed.

K.PADMANABHAN NAIR,
JUDGE

nj.

K.PADMANABHAN NAIR, J.

O.P.No. 5269 of 2003

J U D G M E N T

Dated: 19th July, 2007.